

PROCEDURAL AND FACTUAL BACKGROUND

5. On April 11, 2016, the Debtor filed a voluntary petition for relief pursuant to Chapter 13 of the United States Bankruptcy Code.
6. On July 1, 2016, Mello filed an adversary, Cause Number 16-04087, objecting to the discharge of Paul and Mary Wojciechowski under 11 USC § 523.
7. In the interest of judicial economy and to avoid restating that which this court is already painfully aware of, Defendants request that the court to take judicial notice of the docket in 16-04087 and 16-42442, specifically the sheer number of documents filed, refiled and required to be corrected by Plaintiff.
8. On September 15, 2016, Debtors' a Motion for Protective Order seeking to limit Mello's discovery efforts due to abuses by Mello. (See Adv. # 16-04087 Docket #108).
9. On September 21, 2016, Debtors filed a Motion to Quash a subpoena filed by Mello seeking Paul Wojciechowski's employment information from a post-petition employer, SSE, and on September 28, 2016 an Order granting Debtors' motion was entered by this Court. (See Adv. # 16-04087 Docket #117 and #126).
10. On September 28, 2016, immediately after the court entered the Order quashing Mello's subpoena in the adversary, Mello prepared a new subpoena in the bankruptcy case seeking the exact information from SSE.
11. On September 28, 2016, Debtors' filed a Supplemental Motion for Protective Order, Motion to Quash and Motion to have Plaintiff Declared a Vexatious Litigator. (See Adv. # 16-04087 Docket #129 and BK # 16-42442 Docket #70).
12. On September 8, 2016, Mello filed an initial Motion to Dismiss Debtors' case and an Amended Motion to Dismiss on September 21, 2016. (See Bk # 16-42442 Docket #58, 60 and 65).

13. On August 17, 2016, in response to Mello's objections concerning the Debtors 2016 state and federal tax refunds and expenses listed on Schedule I and J, the following Documents were provided to the Chapter 13 Trustee's office:

- a. Bank of America bank statement from January 23, 2016 through February 22, 2016 showing that Debtors received the state refund on February 9, 2016 in the amount of \$109.52 and federal refund on February 10, 2016 in the amount of \$7,04.08;
- b. Bank of America bank statement from March 25, 2016 through April 22, 2016 showing that the Debtors' account balance on the day of filing;
- c. Missouri American Water bills from September 28, 2016 through July 27, 2016;
- d. Ameren Missouri bills from April 15, 2016 through August 2, 2016;
- e. TMobile bills from September 1, 2015 through August 1, 2016;
- f. Laclede Gas bills from June 3, 2015 through August 4, 2016;
- g. MSD bills from September 4, 2015 through August 5, 2016;
- h. Direct TV bills from December 14, 2015 through August 14, 2016;
- i. Charter Internet bills from January 1, 2016 through August 1, 2016; and
- j. Republic Waste Services from August 2, 2016.

14. Counsel for Debtors personally reviewed the Bank of America bank statements from September 23, 2016 through April 22, 2016 and the Commerce Bank bank statements from September 16, 2015 through August 16, 2016 to verify any remaining fixed expenditures scheduled on Debtors' Schedule J prior to filing amended schedules with the court on September 15, 2015.

15. On September 15, 2016, counsel for Debtors delivered to the Chapter 13 Trustee, either by fax or hand delivery, evidence of Paul Wojciechowski's current income, cost of benefits and

a Lanning Affidavit.

16. The Trustee's only pending objection concerning the Debtor's expenses is related to an additional \$40.00 expense the Debtors claimed on the amended B22.
17. Mello's Motion to Dismiss inaccurately alleges that the Debtors' schedules are rife with inaccuracies and fraudulent statements.
18. Mello's baseless allegations arise out of her misunderstanding of the bankruptcy process and laws and her relentless desire to make the Debtors suffer for filing bankruptcy. It appears Mello has forgotten that Congress eliminated Debtor prisons long before it enacted the first permanent bankruptcy laws in 1898.
19. Mello has failed to allege that any delay by Debtors in confirming a plan was unreasonable or constituted an undue delay that prejudiced any of Debtors' creditors.
20. Debtors posit that they would have been able to propose a confirmable plan, but for the multiple baseless objections to confirmation filed by Mello.

Wherefore Debtors respectfully request that this court enter an order denying Mello's Motion to Dismiss and for such other and further relief as this court deems just and proper under the circumstances.

Respectfully Submitted,

/s/Angela Redden-Jansen

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Certificate of Service

The undersign hereby certifies that on this 3rd day of October, 2016 a copy of the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Susan H. Mello, attorney for Susan H. Mello, LLC, the Chapter 13 Trustee and the US Trustee.

/s/Angela Redden-Jansen

